

**INITIATIVE PETITION
TO THE SECRETARY OF STATE
STATE OF NORTH DAKOTA**

We, the undersigned, being qualified electors request the following initiated law be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Name	Address
<i>KeithNicholsen,Chairma,</i>	<i>108Cairns Ave., Emerado, ND 58228</i>
<i>Gary Hangsleben</i>	<i>P.O. Box 14222, GrandForks, ND 58208</i>
<i>Donna Daucsavage,</i>	<i>P.O. Box 13857, Grand Forks, ND 58208</i>
<i>Susan Dahl,</i>	<i>211 Veitch St. Lot N-17, Emerado, ND 58228</i>
<i>Vera M. NicholSEN,</i>	<i>2149 - 30th Ave. S. #103, Grand Forks, ND 58201</i>
<i>Scott Luck,</i>	<i>RR 1 Box 43, Buxton, ND 58218</i>
<i>Amanda Hoverson</i>	<i>421 - 1st Ave. So, Apt. A-7, Grand Forks, ND 58201</i>
<i>Scott Van Camp</i>	<i>P.O. Box 3741, Grand Forks, ND 58206</i>
<i>Richard Flattum-Riemers</i>	<i>421 - 1 Ave. So., Apt. A-10, Grand Forks, ND 58201</i>
<i>Lynne Olson</i>	<i>318 - 3rd Ave. So., Grand Forks, ND 58201</i>
<i>Joe Austin</i>	<i>309-5th St. No. #8, Grand Forks, ND 58203-3588</i>
<i>Emily Austin</i>	<i>2210 - 6th Ave. N., Grand Forks, ND 58203-2979</i>
<i>Darla L. Larson</i>	<i>3415 - 20 Ave. So. #401, Grand Forks, ND 58201</i>
<i>Michael M. Stumpf</i>	<i>709 E. Brewster St., Harvey, ND 58341</i>
<i>Dave Ruud</i>	<i>2396 - 27th Ave. So. #103, Grand Forks, ND 58201</i>
<i>Tammy Espinoza</i>	<i>2495 Lawndale, Grand Forks, ND 58201</i>
<i>Julio F. Espinoza</i>	<i>2495 Lawndale, Grand Forks, ND 58201</i>
<i>Douglas J. West</i>	<i>422 - 5th Street So., #5, Grand Forks, ND 58201</i>
<i>Patrick M. Uhrich</i>	<i>1707 - 6 Ave. No., Grand Forks, ND 58201</i>
<i>Roy E. Dieteler</i>	<i>1415 - 9th Ave. N. Grand Forks, ND 58203</i>
<i>Jean Luck</i>	<i>RR 1, Box 43, Buxton, ND 58218</i>
<i>John B. Kelly</i>	<i>421 - 1st Ave. So., A-2, Grand Forks, ND 58201</i>
<i>Christian Hernandez</i>	<i>205 State St., Rm. 101, Grand Forks, ND 58203</i>
<i>Jerad Sayler</i>	<i>1731 Cottontail Dr., Beulah, ND 58523</i>
<i>Jim P. Beggs</i>	<i>901 - 47th Ave. So., Grand Forks, ND 58201</i>

BALLOT TITLE

This initiated measure would add a new section to Chapter 14-02.4 of the North Dakota Century Code on divorce-related matters and would provide that public officials who unlawfully discriminate have no immunity from prosecution or civil suit; that parties in domestic relations cases be accorded a jury trial; that parents have joint and equal child custody in most cases; that parents in a divorce must agree on a joint parenting plan; that parental rights in domestic violence cases could only be limited if the parent poses an actual threat to the child; that child support payments would not be required in joint custody situations; that child support payments in non-joint custody situations would not be for more than the child's basic needs; that spousal support would not be required; that criteria be established for division of property; that pre-nuptial agreements be required sixty days prior to marriage; and that an elected office of family advocate be established.

FULL TEXT OF MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH IS BEING ADDED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

A new section of Chapter 14-02.4 of the North Dakota Century Code is created at 14-02.4-24, and enacted as follows:

1. Notwithstanding any other state statute or common law, the following inviolate rights are hereby establish for all adults and children of North Dakota, and this subsection shall be self activating upon voter approval, and all rights for children, parents and married persons listed in the North Dakota Century Code shall be hereby enforceable as a private right of action against any person or government official, or the state of North Dakota, in either state or federal court, against whoever denies them these rights.
2. All decisions or actions under state law shall be gender and race neutral and, without exception, follow all state and federal constitutional legal and treaty rights, and any state or local official or court or state funded agency who knowingly discriminates shall enjoy no immunity from either personal criminal prosecution or civil suit, and the statute of limitations on such actions shall be 6 years. Any state or local official found to have discriminated shall also be referred to the proper authority for proceedings to either remove them from office or subject them to recall at the next election.
3. All legal actions that affect any family right to children, home, or property for more then thirty (30) days must be accorded the right to a jury trial. This provision shall be retroactive for ten years. Any party not knowingly waiving a jury trial, may, within two (2) years of the enactment of this measure, bring a new action on the issues of property division, support, or child custody. But, if the jury decides that said new action is clearly frivolous or without merit, that party shall be obligated to pay the costs and attorney fees to the prevailing party. Any decision, finding or judgment by any court affecting any family right shall be solely authored by the presiding judge and shall not be delegated to any no-judicial party.
4. No child shall be denied a right to either parent, without a showing by clear and convincing evidence that a parent poses a real and immediate threat to said child. No time requirements may be made limiting the right to ask for custody or visitation order modifications. And in a divorce, absent clear and convincing proof of an actual threat to the child, joint and equal physical and legal parenting/custody rights shall be the presumed standard. The parents shall agree on a parenting plan, or if they can not agree to such a plan, then the court must produce such a plan for them. To help the parents/courts draft a parenting plan, Child Protection or some other state agency designated by the governor shall draft, within 6 months after enactment of this measure, and updated every two (2) years thereafter, at least ten (10) generic joint parenting plans as a guideline for separated or divorced parents, as well as ten (10) generic parenting plans where the parents do not have joint and equal physical and legal parenting/custody rights.
5. No parent may be denied parental rights to his children based on a domestic violence protection order unless there is clear and convincing evidence that the parent poses a real physical threat to said children. In which case that parent shall be allowed visitation in the least restrictive mode that provides protection to the children. A spouse shall have the right to self-defense or defense of his children in any domestic violence dispute. Nor may any parent or spouse gain legal advantage or property by accusing the other parent of domestic abuse. Any parent, advocate or lawyer making or promoting false accusations of domestic abuse is subject to a civil action for damages, as well as costs and attorney fees. Any official, lawyer or judge who knowingly promotes false or frivolous claims of domestic abuse shall be disbarred for not less then one year. A person accused of domestic abuse must be afforded legal representation. All domestic abuse court files shall be open records. Where a pro se litigant is entitled to an award of attorney fees, he shall be entitled to his opponent's lawyer hourly rate, nor can the pro se litigant be held to the same technical standard of a lawyer, but he may not use this as an excuse for blatant misconduct.
6. In joint and equal physical and legal parenting/custody, neither parent shall be obligated to pay child support to the other. But, in non-joint equal physical and legal parenting/custody, child support shall be no more then half of the cost of caring for a child's basic needs for food, clothing, shelter, education and medical care on an average North Dakota family income as determined by the

department of human services, and never more than 25% of the obligor's actual and normal current taxable income. There shall be no additions for other factors. Nor may the child of divorced parents be entitled to more than a child with married parents, but the support shall be lowered based on the legal or moral needs of the obligor to support himself and other current family members. Child support can only be based on a maximum of a 40 hours work week, and shall not include bonuses, overtime, retirement or one time financial windfalls. The child support obligor shall receive the tax deduction for the supported children. Unless previously contracted for, spousal support shall never be required. Nor shall any obligor ever face jail or loss of other legal rights or benefits for failure to pay a domestic support obligation or debt. Nor shall normal due process and protections be denied for the collection of said obligation or debt. But additional legal/criminal actions may be imposed when it has been proven by clear and convincing evidence that failure to support has resulted in serious child neglect or abuse.

7. Where child visitation or support is ordered, the courts and the states attorneys must enforce it. Where they deliberately refuse to do so they shall enjoy no immunity from either prosecution or civil suit by the denied parent or affected child. Any state or local official found to have violated these rights shall be referred to the proper authority for proceedings to remove them from office.

8. Married parties shall be entitled to all property and debts accumulated before, during and after the marriage, and premarital contracts must be enforced under traditional contract law so as to afford each party their full rights. No party shall ever be awarded the premarital or separate property of the other party, and no person shall be obligated to ever pay for the support of another adult human. Unless otherwise contracted for, all savings and pension plans shall be the sole property of the person who has worked or paid into them. And where marital property or documents are ordered exchanged, it must be done within 90 days of the court decree, or the harmed party may ask for a court contempt remedy.

9. On application for a marriage license, the state shall inform the applying parties of their legal rights and obligations under the marriage laws of North Dakota. The office of the North Dakota Attorney General shall produce this information in a readable form within 3 months after enactment of this measure. Every marrying couple must also agree to a premarital contract at least 60 days prior to marriage. If there are no resulting children/pregnancies resulting from the marriage, then failure to so inform or contract shall make the marriage non-binding at the option of either party if an action for annulment is brought within 2 years of the marriage.

10. Because strong families are essential for the well being and happiness of our society, and because of the concern for the ever increasing rate of single parent families and divorce rate, it is hereby establish the state office of Family Advocate. This position shall be elected at each general election. The term of office shall be two (2) years. Candidates for this position shall be a qualified elector of this state and shall be paid \$1 per month with no other state benefits other then expenses. The legislature shall budget a minimum of \$1,000,000 per year to be used by the Family Advocate for the functions of his office, and these functions may include such things as research, getting public comment, identifying and finding solutions for family problems. Remedial actions could include recommending, submitting and testifying for legislation, performing/advocating public or school educational programs, submitting court briefs, and any other beneficial and effective activity. No Family Advocate shall use this position to advance or advocate his own political, social, or religious agenda, and all his/her public actions must be fair, gender neutral and unbiased. If this office is to be vacant for more then 3 months, the governor shall appoint a qualified interim Family Advocate who shall fill this position until the next general election.